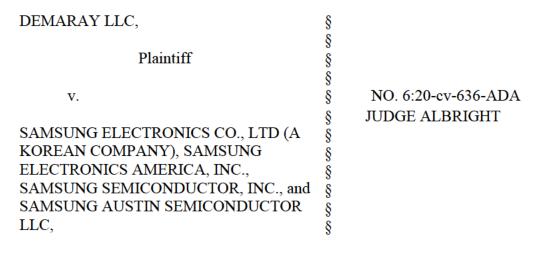
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION



Defendants.

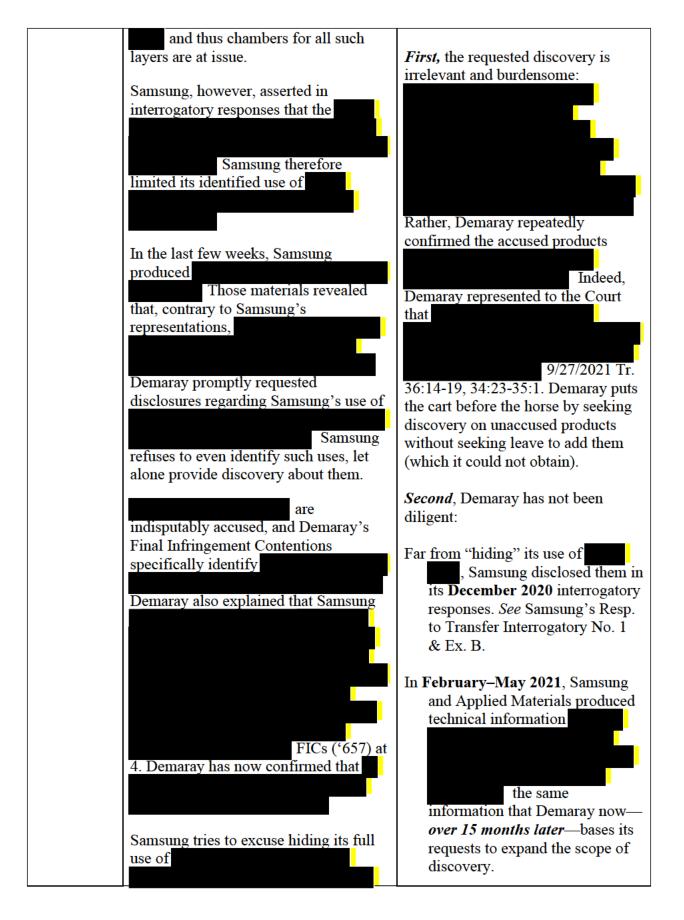
PUBLIC VERSION OF

SEALED ORDER

Plaintiff seeks an order compelling Samsung to provide certain information relating to its use of the Applied Materials chambers for depositing.

Samsung opposes Plaintiff's request. On September 2, 2022, the parties submitted a discovery dispute chart with their respective positions and requested relief, which is reproduced below.

Issue	Demaray's Position	Samsung's Position
Motion to Compel Samsung To Produce Discovery On All of the	Samsung improperly seeks to withhold information regarding its use of have been central to this case since February 2022, when Demaray confirmed through	Demaray's request for discovery concerning Samsung's use of should be denied. Demaray untimely seeks discovery after Final Infringement Contentions on products it represented multiple times, including to the Court, were not at issue. Moreover, Demaray has no good cause for requesting discovery on products disclosed 15 months ago, which would be highly prejudicial to Samsung.



But, Samsung has never articulated the details of this argument, let alone revealed that Samsung was using it to withhold discovery. Demaray disagrees with Samsung's unsupported argument, which ignores

Some claims merely require "coupling" in this regard, and the patents explicitly teach capacitive coupling through plasma ('276 col. 5:26-27).

Samsung argues that it disclosed details

. But Samsung did not disclose details of the

This information just came to light.

By hiding its use of

and blocking related disclosures based on a contested apparent non-infringement position, Samsung is effectively pushing for summary judgment of non-infringement by means of a discovery blockade. The Court just recently denied a motion to strike infringement contentions because it would effectively grant summary judgment of non-infringement while fact discovery remained ongoing. The same reasoning applies here.

Requested Relief:

Respectfully, the Court should order Samsung to:

(1) Supplement its response to Interrogatory No. 1

In February 2021, Applied
Materials' Director of
Engineering Keith Miller
testified

In May 2021, Mr. Miller's declaration confirmed

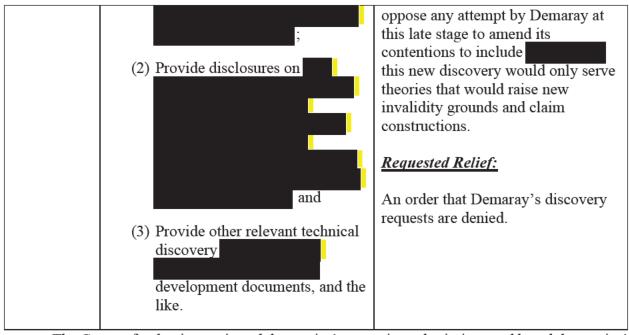
Fact discovery opened in June 2021, after these disclosures. Yet in the 15 months since, Demaray has neither accused nor sought discovery on

It is too late for Demaray to seek such discovery, let alone amend its contentions to include all-new products based on an infringement theory it swore off.

Although Demaray claims
Samsung's recent production of
matters here, it does
not: that production did not relate to
and Demaray does not
explain how it provided any
pertinent new information.
Demaray's reference to Samsung's
alleged "configuration" is
misleading; as Demaray knows,
Samsung

. See Case 5:20-cv-9341, ECF 38, at 1. Regardless, that is no excuse for Demaray's failure to seek timely discovery on

Third, allowing this discovery would severely prejudice Samsung. While Samsung reserves all rights to



The Court, after having reviewed the parties' respective submissions and heard the parties' positions on September 14, 2022, **DENIES** Plaintiff's requested relief.

In addition, as discussed at the hearing, the parties shall submit a proposed Joint Motion to Modify the Scheduling Order that includes a September 11, 2023 trial date.

IT IS SO ORDERED.

SIGNED this 22nd day of September, 2022.

HON. ALAN D. ALBRIGHT

UNITED STATES DISTRICT COURT JUDGE